Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: ANTHONY R SKORUPA, 4011 GOOSEBERRY CK RD, WORLAND, WY 82401

2. Type of action: Application for Beneficial Water Use Permit 43D 30114111

3. Water source name: Unnamed Tributary (UT) to Clarks Fork Yellowstone

4. Location affected by project: Section 5 and 6, T7S, R23E, Carbon County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to divert water from an unnamed tributary (UT) of the Clark Fork of the Yellowstone River, by means of two pumps, from April 15 to November 15 at 750 GPM (1.67 CFS) up to 140 AF, from points in the NENENE Section 6 and SWNWNW Section 5, T7S, R23E, Carbon County for irrigation use from April 15 to November 15. The Applicant proposes to irrigate 55.3 AC. The place of use is generally located in the NENE Section 6 and W2NW Section 5, T7S, R23E, Carbon County. The place of use is approximately 3 miles southwest of Bridger, Montana. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
Montana Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality
Montana Department of Natural Resources and Conservation
Montana Natural Heritage Program
Montana Sage Grouse Habitat Conservation Program
United States Natural Resources and Conservation Service

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity **-** The UT to the Clarks Fork Yellowstone River is an intermittent stream that receives water from the terminus of the Golden Ditch. Upstream from the confluence of the Golden Ditch and the UT, the drainage basin area of the UT is 1.8 square miles and the mean annual discharge from StreamStats is 0.1 CFS. Flow in the UT below the terminus of the Golden Ditch is predominantly dependent on contributions from the ditch. The UT is not identified by the Montana Department of Fish Wildlife and Parks as a chronically or periodically dewatered stream. The proposed use is dependent on flow in the Golden Ditch and will not affect the water quantity in the UT.

Determination: No significant impact

Water quality **–** The UT is not identified as water quality impaired or threatened by the Montana Department of Environmental Quality. Use of wastewater from the terminus of the Golden Ditch has little potential to affect water quality. Run off and return flows from irrigated land can carry pollutants. The use of relatively efficient sprinkler irrigation minimizes that potential in this case.

Determination: No significant impact

Groundwater **-** Water reaching the end of the Golden Ditch at the UT creates a pond with abundant vegetation from which several channels converge in an intermittent stream valley. The channels are discontinuous and, based on the vegetation, much of the water infiltrates prior to reaching the Dry Creek Canal. There are two groundwater rights on developed springs in the W2NWNW Section 5, T7S, R23E. Aerial photographs show no water in this area except within the channel of the UT. Because the developed springs likely get water from the alluvial aquifer of the UT and that aquifer is dependent on flow in the UT, they could be affected by an appropriation of water from the UT. The proposed irrigation may reduce infiltration of water from the UT locally. Irrigation withdrawal from the UT has no potential to negatively affect groundwater quality.

Determination: No significant impact

DIVERSION WORKS – The diversion is pumps to wheel line sprinkler systems. No impacts to the channel, flow characteristics or riparian areas are likely. The diversion would create no dams or barriers and does not involve well construction.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species **–** According to the Montana Natural Heritage Program, there are five animal species of concern and one plant species of concern in T7S R23E, Carbon County. The animal species include two mammals, White-tailed Prairie Dog and Black-tailed Prairie Dog, two bird species, Pinyon Jay and Sage Thrasher and one amphibian, the Plains Spadefoot. The proposed project will turn grazing land to irrigated land which will have limited impact to available habitat. There are no trees at present and very limited moisture. The project area is within Sage Grouse Habitat as delineated by the Montana Sage Grouse Habitat Conservation Program. In a letter dated April 21, 2017, Carolyn Sime of the Montana Sage Grouse Habitat Conservation Program determined that the proposed activities were consistent

with the Montana Sage Grouse Conservation Strategy. The plant species of concern is the Gray's Milkvetch with a habitat of sagebrush-grassland. This project will remove natural grassland for agricultural irrigation. Although the presence of Gray's Milkvetch is not documented, the potential for removal of habitat exists.

Determination: Possible impact

Wetlands – The area below and above where the Golden Ditch enters the UT is a marshy area mapped as freshwater emergent wetlands by the United States Fish and Wildlife Service National Wetlands Inventory. Other freshwater emergent wetlands are mapped locally within a mile of the project location generally associated with stock reservoirs of irrigation ditches. The proposed project would divert some water from this area but most of the water available at present would continue to enter the area as would runoff and return flows from proposed irrigation.

Determination: No significant impact

Ponds – There are no ponds in the proposed project area and no ponds are proposed.

Determination: Not applicable

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – According to soil maps from the United States Natural Resources Conservation Service, the dominant soil type in the proposed project area is Colby silt loam with 4 to 8 percent slopes. This is a farmland of statewide importance, well drained and nonsaline to very slightly saline. Irrigation of this farmland has little potential to decrease stability or create saline seep. The soil moisture content would be increased.

Determination: No significant impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - The current vegetative cover in the project area is agricultural grazing land. No change in vegetative cover is proposed. The installation of the sprinkler systems and pumps could allow for the establishment or spread of noxious weeds. It will be the responsibility of the landowner to monitor and control noxious weeds.

Determination: No significant impact

AIR QUALITY - Irrigation of agricultural land has no potential to negatively affect air quality.

Determination: No impact

HISTORICAL AND ARCHEOLOGICAL SITES - The project is not located on State or Federal Lands.

Determination: Not applicable

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – Pumps to divert water will require energy input. All other impacts have been considered above.

Determination: No significant impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - There are no known locally adopted environmental goals or plans.

Determination: No impact

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - The project area has no public roads and is not used to access recreational or wilderness activities. Continued use of the project area for agriculture will not impact those activities.

Determination: No impact

HUMAN HEALTH - Irrigation of agricultural land has no potential to negatively affect human health.

Determination: No impact

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No__**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: Not applicable

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) Cultural uniqueness and diversity? No significant impact

(*b) Local and state tax base and tax revenues?* No significant impact

(c) Existing land uses? No significant impact

(*d) Quantity and distribution of employment?* No significant impact

(e) Distribution and density of population and housing? No significant impact

(f) Demands for government services? No significant impact

(g) *Industrial and commercial activity?* No significant impact

(h) *Utilities?* No significant impact

(i) *Transportation?* No significant impact

(j) *Safety?* No significant impact

(k) *Other appropriate social and economic circumstances?* No significant impact

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts related to the proposed project are recognized.

Cumulative Impacts: No cumulative impacts related to the proposed project are recognized.

3. ***Describe any mitigation/stipulation measures:*** None

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The only reasonable alternative to the proposed project is the no-action alternative. The no-action alternative prevents the applicant from improving agricultural production and has no significant environmental advantages over the proposed project.

PART III. Conclusion

1. ***Preferred Alternative:*** issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

2 ***Comments and Responses:*** None

3. ***Finding:***
*Yes___ No_**X**__ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: An Environmental Assessment is the appropriate level of analysis for this project because although some possible impacts were recognized, statutory timelines for the evaluation of beneficial water use permits preclude the preparation of an Environmental Impact Statement.

Name of person(s) responsible for preparation of EA:
Name: Mark Elison
Title: Deputy Regional Manager
Date: 7/13/2018